P. F. 22994.

G. R. S. IX-5]

Previous references. 1893-94 / ~~191~~ (L. R.)

File No. 98793

Serial Nos. 1 to 3

Later references.

GENERAL AND REVENUE SECRETARIAT.

Serial Nos. 1 to 5

in ~~Part~~ B for July 1894.

SUBJECT.

Appeal of Kuzarasiah of Kolapur, regarding
the Shankheshi ~~&c~~ & Mazgaonkar & others in Sirur Taluka.

W D 1250—GPE—20,000 - 22-1-18

Nikas No 52 of 1893-94

Appt
Lingarcah
(Mr)

Resd
Pallalingach
(Dr)

Certificate
The Chandlogeeg Brahmin
in the margin was a distant collateral
of the testator — She died in 1878, when Respt
father was stamp duties as her gumasta.—
The latter also having died, his son the late
Collector of Respt was appointed in March 1880, on
the ground that no other heirs was forthcoming
Her niece also died in 1885-86 & Respt was
appointed to the legacy of the deceased testator
Appt made his gumasta & Appt accordingly
acted duties as
gumasta, but when he died Respt delivered charge
of Respt he brought a suit in 1892 — The Asst Court
decreed suit claim to appellant, as he was as much
related to the late Testatrix as Respt was —
But the Dist Court reversed the decree, on the ground
that Appt having once accepted to be the gumasta of
the Respt cannot assert independent right as aforesaid.
under Sec 115 of the Evidence Act — The appeal is

against the Decree

It contention

of the Attorney advocate is,

~~that~~, that Appellant never gave his consent ~~was obtained only~~ to be the gumasta of ~~be the gumasta of~~ the Respt, that he ~~Respts brothers widow~~ only agreed to be the ~~and of the Respt~~, ~~etc~~ gumasta of Respts brothers widow, & see 115 of the evidence that she has reason Act does not govern dead,

the Case = ~~as the section~~

~~is applicable only~~

~~to these cases~~,

Give consider

~~the Attorneys~~

it makes very little

difference whether the Appt

Consents to be the

gumasta of the Respt or

of her late brothers wife.

If Respts brothers wife

was the Hindu

as aforesaid by
Appt ~~Lewis~~, Respt is
~~for~~ certainly entitled
to succeed her & not
Appt, Moreover,
Respt was expressly
appointed as Sharbog,
& Appellant as his
guardian, ~~& the~~ cannot
he allowed to dispute
her title ~~to~~ to the
Office
that Appellant is as
much entitled to the
Office as Respt to hold her
~~was appointed in 1880,~~
~~he~~ was, but ~~the~~ he ~~did~~
~~not contest the claim of~~
Respt during her life
claim when Respt to hold her
was appointed to the post in
March 1880 — He not having
done so, & having
the Office only in June 1892, the
Court is also barred by the

the Lieut
having accepted
the Office without
any protest,

Law of Limitation
The appeal is
therefore dismissed

W.P.
16/7/94

I would adjourn
the case for hearing.
I thought appt
claimed only a
share in the Hucks
& that the sec 115
of the Evidence Act
does not apply. I must
find that the claims
the entire Hucks. It
was decree to me that
he is barred

W.P.
19/5/94

Appt
~~Appt~~ Pr is confirmed
The appeal
was dismissed
W.P.

If Mr Nuntoo Pholye
has no objection, I
would post the case
on Wednesday at 4 P.M.
at Office.

W.P.
19/5/94

Mr. L.

Lebeaft
21/7/94

I have no objn
19/5

Index

Appeal No 52 of 1893-94.

=

This case is posted for argument today at 4 P.M., but notice was not served on the Advocate for Appellant, Mr Subhajirao Rao, as he is absent from the Station. It appears he has gone to Mysore and is not likely to return for about a week.

The Advocate for Respondent, Mr C.S. Ramachandrayya, has been served with notice.

Submitted for order.

23/5

X

If the Advocate for Appellant has not returned by 4 P.M. today an order should be made that the case must be heard on the next Court Day.

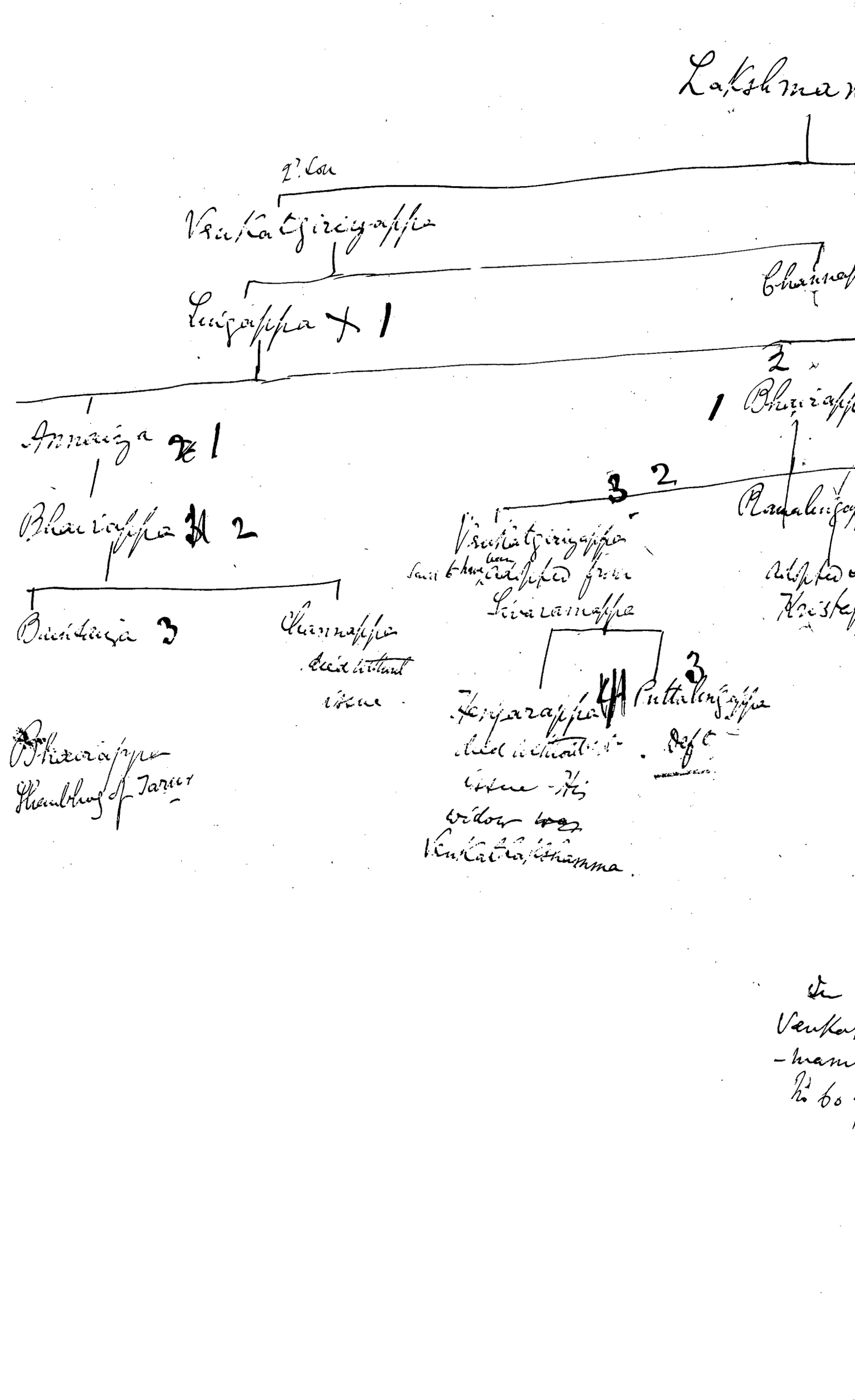
Case may be posted for hearing on Friday the 27th instant.

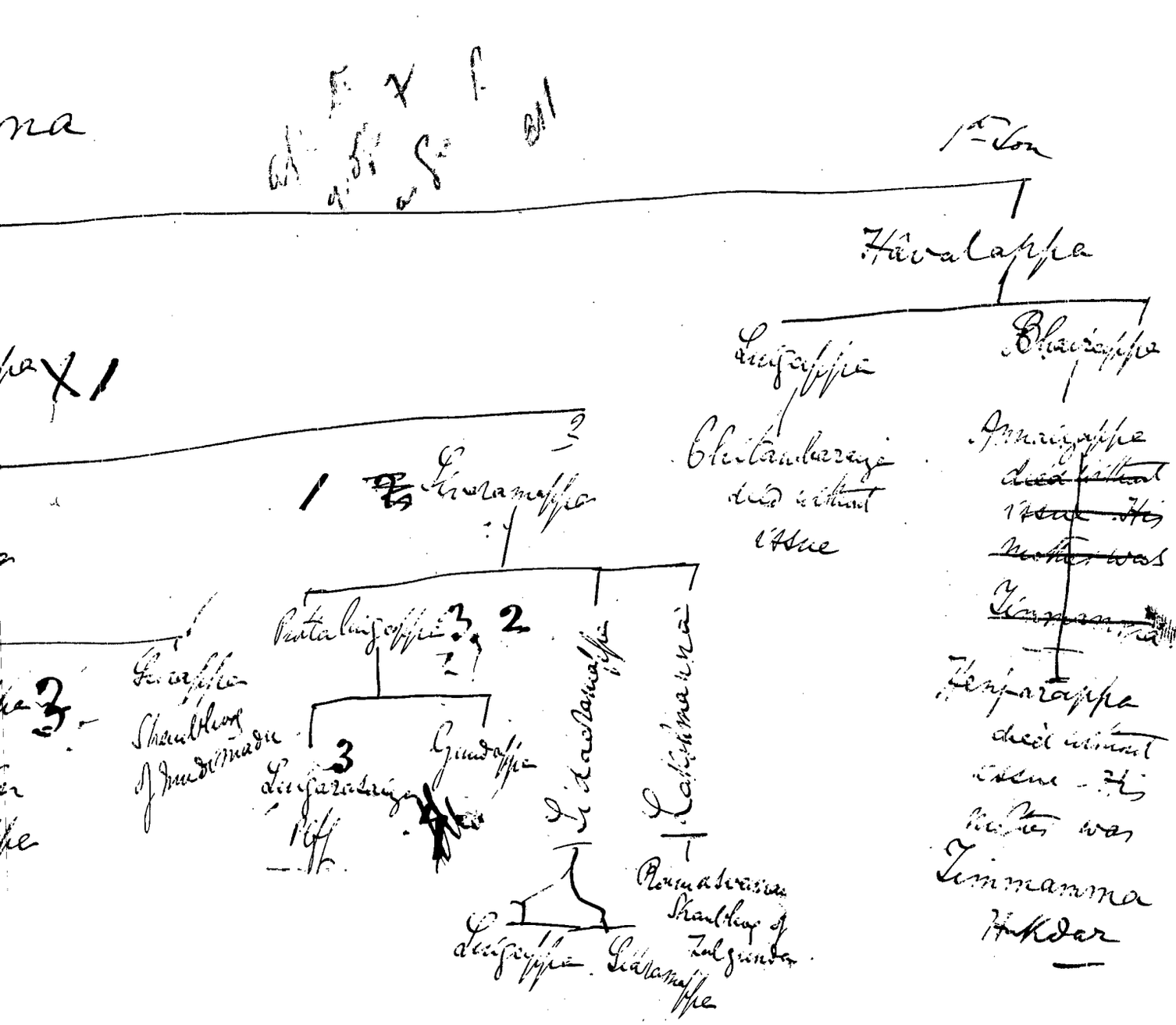
23/5

Fix another date.

23/5/94

Adv. for Appellant
Notice to Mr. [illegible]





The Tuck of Land to have belonged to Tiavalaffia line. During the Residence of this deceased Tiavalaffia, against whom one Tali Rangaya was active in Gumasta on behalf of Tiavalaffia's widow Timmamma. The Chittambaya was concerned in a Land case & was dismissed. The Son Rangaya held as to afforesaid a Succession Deed from Tiavalaffia Senr a Statement on 25th July 77 admitting this was true and he was appointed as his Gumasta till now 23rd June 77.

(General Serial No. 32.)

1893

No. 1140

Name of Petitioner. Linganna

Village.

Taluk. Bangalore

District.

Date of Arzi. 11-93

Date of Receipt. 3-11-93.

Date of Disposal.

No. of Enclosures. five

ABSTRACT.

Appeal against the decision
passed by the Deputy Commissi
of Bangalore in Appeal suit No. 4
of 1893-94 on the grounds that the
lower Appellate Court erred in
reversing the judgment of the
original Court on the ground
that plaintiff was estopped under
section 115 of the Evidence act,
this section does not at all appl
it has been misconstrued & the appe
that

that the Plaintiff's Demand ought
to be given to the Defendant
Time Book putting forward his
right which is inherent & which
is his birthright, & that the Judgment
of the original Court may just & Equitable
Ways that it may be restored
with costs.

All.

Let 711 Draft

16-11-93

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM. (2)

The accompanying Petition No. 1140

dated November 93 received at the

Dewan's Office from Linganarayana of Talagunda, Piriyapatna, appealing against the decision of the Deputy-Commissioner of Tumkur in Rev. Appeal Case No 4 of 1893-94, reversing the order of Shanmuga of Nagashetty Hosahalli

is forwarded, together with its 4

enclosures, to the Deputy-Commissioner Tumkur District, for submission of proceedings with a report on the facts of the case and on the points urged in the petition.

2. The petition with the enclosures should be returned.

L.R. 98-93-2

By Order,

Draft

Bangalore, 12 Nov 1893.

Chief Secretary.

Sir 11/11

M. G. C. P. Bangalore.—21-11-92—3,000.

Peter
25.11.93

Posted to 3-3-94.
Adjourned to 26-4-94
Adjourned to 17-5-94

L.R. 98-93-3

(General Serial No. 30.)

8643
22 NOV. 93
94 of 302

189

From The Deputy Commissioner
Hunsur District

(3)

To

The Chief Secretary to the Government of Mysore.

Dated 20th } November 1893.-
Despatched 21st }

Received

Enclosures No. 5 and a Sketch

General No. 422
No.

Chief Secretary's official Memo.
No: 711 of the 13th Instant.

Submitting record connected with the petition of Linganniah of Kaiapunda in the Heggadadevana Kote Taluk praying the office of Shanbhogue of Moyasanura & 4 other villages

Tumkur District

No 422. Deputy Commissioner's Office.
Tumkur 20th November 1903

(3)

To

The Chief Secretary to the
Government of Mysore.

Sir,

I have the honor to subm-
-mit herewith, as required in
your Circular Memo No 1/1 of the
13th instant, the record connected
with the Election of Lingayat
of Sabgundas in the City Sabh
regarding the office of Shan-
bhogue of Honnasandra and 4
other Villages.

2. The Enclosures of the Memo und-
-er reply are herewith returned.

I have the honor to be
Sir,
Your most obed't Servant
H R Venkatarama
Deputy Commissioner

B

Counsel for
Respondent
Dinshaw
3rd March 1893

MYSORE REVENUE DEPARTMENT
PETITION PAPER
ROLL No. 1140
DATE 3-11-93

MYSORE COURT FEE

A.S. No. 52
93-94.

Before the Government in Appeal.

Present 2nd Appeal No. 4 of 1893-94

Lingarazu ... Plaintiff Appellant

vs.

Puttalingappa ... Defendant Respondent

The Appellant above named begs to bring this 2nd appeal to this Honorable Court against the decision passed by the Deputy Commissioner & Sessions in Appeal suit No. 4 of 1893-94 on the following amongst other grounds:-

1. For the said decision is against law & weight of evidence in the cause.

2. The Lower Appellate Court erred in reversing the judgment of the original Court on the ground that Plaintiff was estopped under Section 115 of the Evidence Act. This Section does not at all apply, it has been misconstrued & misapplied.

3. Plaintiff's doing duty as Gramachar does not estop him from putting forward his legal title which is inherent & which is his birth right.

4. The judgment of the original Court was just & proper, Plaintiff's suit should be restored with Costs throughout.

Bangalore
Nov. 93.

Advocate for Appellant

2 deaf : Tirthahalli

Before the Government of *His Highness* the Maharaja of Mysore.

(5)

Appeal No. 52 of 1893-94

Appellant. Vs. Respondent.

Dongrieah
of Kaitapura
Tirthahalli
represented by
Mr. C. Vathapatra
Barrister-at-law.

Puttasingiah
represented by
Mr. B. Venkataramanayya.

Decision.

1. Kaveranda
2. Kaitapura
3. Chinnappanahalli
4. Tirthapparahalli
5. Kareyaravanahalli
Tirthahalli.

L.R. 98-93-4

The last holder of
Kaveranda of the
Villages noted in the
margin* was Timmanna
a distant collateral
of the Appellant and
Respondent. She died
in 1878, when Respondent's
father was doing duty
as her gumasta. The
latter also having died
subsequently, the late brother
of Respondent, was
appointed in March
1880 on the ground that
no ~~Sons~~ heirs were forthcoming. This man also
died

died in 1885-86 and
Respondent was appointed
the first and Appellant
made his Jamadar.
Appellant accordingly
did duties as Jamadar,
but when he had taken
charge Respondent
he brought a suit for the
office in November 1892.
The Assistant Commr.
decreed half share to
Appellant, as he was
as much related to
the late Zamindar
as the Respondent was,
but the Dy. Commr.
reversed the decree on
the ground that Appellant
having once accepted
that the Jamadari of the
Respondent cannot
accept independently
Agitwardar, Section 115
of the Evidence Act. The
Appeal is against this
decree.

2. The contention of the
Appellant counsel is,
that Appellant first gave
his

(17)

his consent that the
Jumaala of the Respond-
-ent, that he only
agreed that the Jumaala
of Respondent's brother's
widow, and that she
having recently died,
Sec. 115 of the Evidence
Act does not govern
the case.

3. Govt. considers that
it makes very little
difference whether the
appellant's consented
that the Jumaala of
the Respondent or his
late brother's widow.
If Respondent's brother's
widow was the Khatoon
as admitted by
appellant, Respondent
is certainly entitled
to succeed her and not
appellant. Moreover,
Respondent was expres-
-ly appointed as
Shambogue and appell-
-ant as his Jumaala and
the latter having accepted
the Jumaala ship with-

out

out any protest cannot (18)
be allowed now to dis-
pute the Respondent's
title. It may be that
Appellant is as much entitled
to the office as Respondent's
late brother was, but
he should have urged
his claim when Respondent's
brother was appointed
to the post in March 1880.
He not having done
so, and having brought
the suit for the office
only in Nov. 1892, the
suit is also barred
by the Law of limitation.
The appeal is therefore
dismissed.

By order

Chief Secy

Redraft
No. 1720
P.S. 22-94 dt. 23/7/94
Copy to the Dy. Commr.
Tumkur District, return-
ing the Vernacular records
received with his no. 422
dated 20 "November 893

Comptroller
Chief Secy

No. 1140
A. S. 52-93

31-7-94

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT, (4)

23rd/31 July 189 4

Endorsement granted to Ranganath of Kalapura, Sira Taluk, represented by M. C. Satyanatha, Karnik-at-Law.

in reply to his Petition Registered No. 146 dated 30-7-94, A. S. 52 9-3-94, in A. S. No. 4 of 1893-94 on the file of this Court disallowing appellant's claim to the Kantapli of Mayasandra and 4 Hamlets Sira Taluk.

Petitioner is informed that his appeal has been dismissed

2. The deeds are returned.

L. R. 98-93-5

"By Order"

Chief Secretary.

Ranganath
Sira
1917

M. G. C. P. Bangalore—6-3-94.—2000.